

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

September 17, 2002

IN RE:

PETITION OF TENNESSEE UNE-P  
COALITION TO OPEN A CONTESTED  
CASE PROCEEDING TO DECLARE  
SWITCHING AN UNRESTRICTED  
UNBUNDLED NETWORK ELEMENT

DOCKET NO.  
02-00207

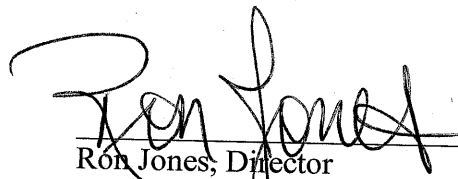
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ERRATUM OF SEPTEMBER 13, 2002 ORDER

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The Pre-Hearing Officer entered the *Order Denying Motion to Hold Proceeding in Abeyance and Granting Motion for Reconsideration or Clarification* on September 13, 2002 in the above-styled docket. Due to an inadvertent error, the order contains an incorrect due date. Accordingly, the following modifications are made. The references to September 11, 2002 appearing on pages 14 and 15 are changed to September 18, 2002.

Attached to this *Erratum of September 13, 2002 Order* are corrected pages 14 and 15. These corrected pages are specifically incorporated by this reference and shall be substituted into the *Order Denying Motion to Hold Proceeding in Abeyance and Granting Motion for Reconsideration or Clarification* filed on September 13, 2002.

  
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Ron Jones, Director  
as Pre-Hearing Officer

BellSouth responds by asserting that the action of the Pre-Hearing Officer was appropriate given that the Motion to Hold in Abeyance was outstanding.<sup>50</sup> BellSouth also contends that the Pre-Hearing Officer's decision prevents any waste of resources.<sup>51</sup> BellSouth argues that the order clearly indicates that the procedural schedule is suspended pending resolution of the Motion to Hold in Abeyance and that BellSouth did not misrepresent this fact to the Louisiana commission.<sup>52</sup>

The Pre-Hearing Officer finds that clarification may aid in the understanding of the *Order Suspending Procedural Schedule* and, therefore, the motion should be granted. Having so concluded, the requisite clarification is as follows. First, the order suspended all activity, including the issuance of data requests. Second, the suspension was intended to be lifted, if appropriate, upon the entry of an order disposing of the Motion to Hold in Abeyance, not the resolution of any resulting appeals or federal litigation.

#### IV. REMAINING MATTERS

Having determined that the Motion to Hold in Abeyance should be denied and having clarified the *Order Suspending Procedural Schedule*, the Pre-Hearing Officer finds that the data requests described in the *Initial Order Resolving Discovery Disputes* filed on June 28, 2002 should issue by September 18, 2002. All entities receiving such requests shall file responses with the Authority by September 25, 2002. Those entities receiving data requests that are not parties to this docket shall file all responses in accordance with the provisions of the *Initial Order Resolving Discovery Disputes*.<sup>53</sup>

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<sup>50</sup> *BellSouth Telecommunications Inc.'s Response to UNE-P Coalition's Petition for Clarification or Reconsideration*, p. 1 (Aug. 16, 2002).

<sup>51</sup> *Id.* at 2.

<sup>52</sup> *Id.*

<sup>53</sup> The *Initial Order Resolving Discovery Disputes* may be obtained through the TRA's electronic file room located at <http://www.state.tn.us/tra/fileroom.htm>.

The Pre-Hearing Officer will convene a status conference on October 2, 2002 at 9:00 a.m. for the purposes of determining: 1) whether further discovery is necessary; 2) a filing date for supplemental direct testimony; 3) a filing date for rebuttal testimony; and 4) hearing dates. The parties shall file agreed dates for the filing of rebuttal testimony and the hearing by September 30, 2002. Any request to change the date of the status conference shall be made in writing and filed with the TRA no later than September 30, 2002.

**IT IS THEREFORE ORDERED THAT:**

1. *BellSouth Telecommunications, Inc.'s Motion to Hold Proceeding in Abeyance* filed on July 12, 2002 is denied.
2. The *Petition for Clarification or Reconsideration* filed on August 14, 2002 by the UNE-P Coalition is granted, and the *Order Suspending Procedural Schedule* is clarified as explained herein.
3. The data requests described in the *Initial Order Resolving Discovery Disputes* filed on June 28, 2002 shall issue by **Wednesday, September 18, 2002**. All entities receiving such requests shall file responses with the Authority by **Wednesday, September 25, 2002**. Those entities receiving data requests that are not parties to this docket shall file all responses in accordance with the provisions of the *Initial Order Resolving Discovery Disputes*.
4. A status conference will be held on **Wednesday, October 2, 2002 at 9:00 a.m.** in the hearing room of the Tennessee Regulatory Authority for the purposes set forth herein. The parties shall file agreed dates for the filing of rebuttal testimony and the hearing by **Monday, September 30, 2002**. Any request to change the date of the status conference shall be made in writing and filed with the TRA no later than **Monday, September 30, 2002**.